

SENATE BILL 498

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2003 Regular Session  
3r1604  
CF 3r1603

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By: **Senators Hogan and McFadden (Task Force to Study Public School Facilities)**

Introduced and read first time: January 31, 2003

Assigned to: Budget and Taxation

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 14, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public School Facilities**

3 FOR the purpose of extending the Aging Schools Program; modifying the  
4 requirements for the content of a plan; extending for a certain period certain  
5 requirements relating to the State and local share of costs for school  
6 construction projects in Baltimore City; modifying the membership and charge  
7 of a certain task force; altering the date by which a certain task force must  
8 submit a final report to the Governor and General Assembly; altering a certain  
9 termination date; repealing a certain termination provision; providing for the  
10 effective dates of this Act; and generally relating to public school facilities.

11 BY repealing and reenacting, with amendments,  
12 Article - Education  
13 Section 5-206(f) and 5-401(c)  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2002 Supplement)  
16 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

17 BY repealing and reenacting, without amendments,  
18 Article - Education  
19 Section 5-401(a) and (b)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2002 Supplement)  
22 (As enacted by Chapter 288 of the Acts of the General Assembly 2002)

1 BY repealing and reenacting, with amendments,  
 2 Chapter 280 of the Acts of the General Assembly of 2001, as amended by  
 3 Chapter 288 of the Acts of the General Assembly of 2002  
 4 Section 1, 2, and 3

5 BY repealing and reenacting, with amendments,  
 6 Chapter 288 of the Acts of the General Assembly of 2002  
 7 Section 5

8 BY repealing  
 9 Chapter 288 of the Acts of the General Assembly of 2002  
 10 Section 24

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Education**

14 5-206.

15 (f) In fiscal year 2004 AND IN EACH FISCAL YEAR THEREAFTER, the State  
 16 shall distribute grants to county boards under the Aging Schools Program  
 17 administered by the Interagency Committee on School Construction in the following  
 18 amounts:

19	(1)	Allegany County .....	\$355,000
20	(2)	Anne Arundel County .....	\$570,000
21	(3)	Baltimore City .....	\$1,635,000
22	(4)	Baltimore County.....	\$2,940,000
23	(5)	Calvert County .....	\$65,000
24	(6)	Caroline County .....	\$85,000
25	(7)	Carroll County .....	\$385,000
26	(8)	Cecil County .....	\$355,000
27	(9)	Charles County .....	\$65,000
28	(10)	Dorchester County .....	\$65,000
29	(11)	Frederick County .....	\$85,000
30	(12)	Garrett County .....	\$85,000
31	(13)	Harford County .....	\$400,000

1	(14)	Howard County .....	\$65,000
2	(15)	Kent County .....	\$65,000
3	(16)	Montgomery County .....	\$1,170,000
4	(17)	Prince George's County .....	\$970,000
5	(18)	Queen Anne's County .....	\$85,000
6	(19)	St. Mary's County .....	\$85,000
7	(20)	Somerset County .....	\$65,000
8	(21)	Talbot County .....	\$155,000
9	(22)	Washington County .....	\$200,000
10	(23)	Wicomico County .....	\$355,000
11	(24)	Worcester County .....	\$65,000

12 5-401.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) "Local performance standards" means standards for student and  
15 school performance developed by a county board.

16 (3) "Plan" means a comprehensive master plan.

17 (4) "State performance standards" means standards for student and  
18 school performance approved by the State Board.

19 (b) (1) Each county board shall develop and implement a comprehensive  
20 master plan that describes the goals, objectives, and strategies that will be used to  
21 improve student achievement and meet State performance standards and local  
22 performance standards in each segment of the student population.

23 (2) (i) Each county board shall submit a plan to the Department on or  
24 before October 1, 2003.

25 (ii) At least 60 days before submitting a plan to the Department, a  
26 county board shall provide a copy of the plan to the:

27 1. County council and if applicable, county executive; or

28 2. County commissioners.

29 (3) Subject to subsection (h) of this section, the plan shall:

1 (i) Extend for a 5-year period beginning with the 2003-2004 school  
2 year; and

3 (ii) Be updated by the county board on or before July 1 of each year.

4 (c) The plan shall include:

5 (1) Goals and objectives as required under subsections (d) through (f) of  
6 this section that are aligned with State performance standards and local performance  
7 standards;

8 (2) Implementation strategies for meeting goals and objectives;

9 (3) Methods for measuring progress toward meeting goals and objectives;

10 (4) Time lines for implementation of the strategies for meeting goals and  
11 objectives;

12 (5) Time lines for meeting goals and objectives;

13 (6) A description of the alignment of the county board's budget with  
14 goals, objectives, and strategies for improving student achievement; [and]

15 (7) THE IMPACT OF THE PROPOSED GOALS, OBJECTIVES, AND  
16 IMPLEMENTATION STRATEGIES ON PUBLIC SCHOOL FACILITIES AND CAPITAL  
17 IMPROVEMENTS THAT MAY BE NEEDED TO IMPLEMENT THE PLAN; AND

18 [(7)] (8) Any other information required by the State Superintendent.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

21 **Chapter 280 of the Acts of 2001, as amended by Chapter 288 of the Acts of**  
22 **2002**

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That, notwithstanding any other provision of law, for fiscal years 2002  
25 through [2004] 2005, in each year, the State shall provide 90 percent of the eligible  
26 costs for up to and including \$20 million in public school construction projects in  
27 Baltimore City, and for funding above \$20 million, the State shall provide 75 percent  
28 of the eligible costs.

29 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
30 provisions of Section 1 of this Act, Baltimore City shall appropriate for school  
31 construction in fiscal years 2002 through [2004] 2005, in each year, at least \$12.4  
32 million, the amount that Baltimore City appropriated in fiscal 2001 to match the  
33 State funds provided in fiscal 2001 for school construction in Baltimore City.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 July 1, 2001. It shall remain effective for a period of [3] 4 years and, at the end of

1 June 30, [2004] 2005, with no further action required by the General Assembly, this  
2 Act shall be abrogated and of no further force and effect.

3 **Chapter 288 of the Acts of 2002**

4 SECTION 5. AND BE IT FURTHER ENACTED, That:

5 (a) There is a Task Force to Study Public School Facilities.

6 (b) The Task Force shall review, evaluate, and make findings and  
7 recommendations regarding the following issues relating to the State's school  
8 construction program:

9 (1) whether public school facilities are adequate to support programs  
10 funded through an adequate operating budget as proposed by the Commission on  
11 Education Finance, Equity, and Excellence in its January 2002 Final Report;

12 (2) the equity of the State's school construction program, particularly the  
13 equity of the State and local cost shares for school construction projects;

14 (3) whether the Aging Schools Program should be continued as a  
15 permanent program AND IF SO, WHETHER THE CURRENT ALLOCATION OF PROGRAM  
16 FUNDS SHOULD BE CONTINUED PERMANENTLY OR SHOULD BE MODIFIED; [and]

17 (4) WHETHER THE STATE SHOULD PROVIDE A GREATER SHARE OF  
18 ELIGIBLE SCHOOL CONSTRUCTION COSTS FOR:

19 (I) SCHOOLS WITH 50% OR MORE OF THE STUDENTS ELIGIBLE FOR  
20 FREE AND REDUCED PRICE MEALS;

21 (II) SMALL SCHOOLS CONSTRUCTED OR RENOVATED IN A PRIORITY  
22 FUNDING AREA; AND

23 (III) SCHOOLS IN QUALIFIED DISTRESSED COUNTIES AS DEFINED  
24 IN ARTICLE 83A, § 5-701 OF THE CODE; AND

25 [(4)] (5) any other matter that the Task Force determines to be relevant  
26 to an evaluation of the adequacy and equity of the State's school construction  
27 program.

28 (c) The Commission shall be composed of [21] 23 members as follows:

29 (1) a chairman appointed by the Governor;

30 (2) two members of the Senate of Maryland, appointed by the President  
31 of the Senate;

32 (3) two members of the House of Delegates of Maryland, appointed by  
33 the Speaker of the House;

- 1           (4)     the Executive Director of the Interagency Committee on School  
2 Construction;
- 3           (5)     the State Superintendent of Schools, or the State Superintendent's  
4 designee;
- 5           (6)     the Secretary of the Department of Budget and Management, or the  
6 Secretary's designee;
- 7           (7)     the Secretary of the Department of General Services, or the  
8 Secretary's designee;
- 9           (8)     THE SECRETARY OF THE DEPARTMENT OF PLANNING, OR THE  
10 SECRETARY'S DESIGNEE;
- 11          [(8)]    (9)     a member of the State Board of Education;
- 12          [(9)]    (10)    three representatives of county governments, appointed by the  
13 Governor;
- 14          [(10)]   (11)    three representatives of local boards of education, appointed by  
15 the Governor;
- 16          [(11)]   (12)    three educators who work in public schools in the State,  
17 appointed by the Governor; and
- 18          [(12)]   (13)    [two] THREE members of the public, appointed by the  
19 Governor, ONE OF WHOM SHALL HAVE EXPERIENCE AS DIRECTOR OF A STATE  
20 SCHOOL CONSTRUCTION PROGRAM.
- 21       (d)     To the extent practicable, the Governor shall attempt to ensure regional,  
22 ethnic, economic, and gender diversity on the Task Force.
- 23       (e)     The Interagency Committee on School Construction, the Maryland State  
24 Department of Education, the Department of Budget and Management, and the  
25 Department of Legislative Services, jointly, shall provide staff support to the Task  
26 Force.
- 27       (f)     The Task Force shall:
- 28           (1)     be appointed and begin its deliberations no later than June 1, 2002;  
29 [and]
- 30           (2)     submit [a] AN INTERIM report of its findings and recommendations  
31 to the Governor and, in accordance with § 2-1246 of the State Government Article,  
32 the General Assembly on or before December 31, 2002; AND
- 33           (3)     SUBMIT A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS  
34 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
35 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31,  
36 2003.

1 (g) The Task Force shall terminate on [December 31, 2002] MAY 1, 2004.

2 [SECTION 24. AND BE IT FURTHER ENACTED, That § 5-206(f) of the  
3 Education Article as enacted by Section 2 of this Act, shall be abrogated and of no  
4 further force and effect July 1, 2004.]

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
6 take effect July 1, 2003, the effective date of Chapter 288, Section 2 of the Acts of the  
7 General Assembly of 2002. If the effective date of Chapter 288, Section 2 is amended,  
8 this Act shall take effect on the taking effect of Chapter 288, Section 2.

9 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
10 Section 3 of this Act, this Act shall take effect June 1, 2003.